

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD DONALD BURLEY,

Plaintiff,

Case No. 18-12239

v.

Hon. George Caram Steeh

MICHELLE WILLIAMS-WARD,
RANDALL HAAS,
GEORGE STEPHENSON,
REGINA JENKINS-GRANT, and
CARYLON WILLIAMS, *et al.*,

Defendants.

/

ORDER DENYING PLAINTIFF'S MOTION TO APPOINT
COUNSEL (ECF NO. 56) AND GRANTING DEFENDANTS'
MOTION FOR LEAVE TO CONDUCT DISCOVERY AND FILE A
SECOND MOTION FOR SUMMARY JUDGMENT (ECF NO. 63)

In this civil rights action, Plaintiff seeks the appointment of counsel and Defendants seek leave to conduct discovery and file a second motion for summary judgment. Plaintiff, a pro se prisoner, filed an amended complaint on August 12, 2019. Defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12 on September 3, 2019. Magistrate Judge Patti issued a report and recommendation on July 20, 2020, recommending that the court grant in part and deny in part

Defendants' motion to dismiss. The court adopted the magistrate judge's report and recommendation on August 28, 2020.

While Defendants' motion to dismiss was pending, the discovery (February 24, 2020) and dispositive motion (March 24, 2020) deadlines passed. Defendants state that they were waiting for a decision on the motion to dismiss before conducting discovery, including a deposition of Plaintiff. Defendants seek an additional 60 days to conduct discovery and the opportunity to file a dispositive motion, if warranted.

The court agrees that both the court and parties will benefit from the further explication of the issues in this matter prior to trial. In the interests of justice and judicial economy, the court will grant Defendants' motion.

The court will deny Plaintiff's motion to appoint counsel without prejudice, for the reasons stated in Magistrate Judge Patti's order denying Plaintiff's previous motion to appoint counsel. ECF No. 53. Should Plaintiff's claims proceed to trial, the court will reassess whether the recruitment of pro bono counsel is appropriate.

IT IS HEREBY ORDERED that Plaintiff's motion to appoint counsel (ECF No. 56) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Defendants' motion to conduct discovery and file a second summary judgment motion (ECF No. 63) is GRANTED. The parties shall have until December 31, 2020, to conduct discovery and until February 1, 2021, to file a dispositive motion.

Dated: October 5, 2020

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 5, 2020, by electronic and/or ordinary mail and also on Edward Donald Burley #502426, Ionia Maximum Correctional Facility, 1576 W. Bluewater Highway, Ionia, MI 48846.

s/Brianna Sauve
Deputy Clerk